

REMARKS

Claims 1, 5, 7 and 10 are now pending in the application. Claims 2-4, 6, 8 and 9 are being cancelled, claims 1, 5 and 7 have been amended and new claim 10 has been added. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not narrowing amendments. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein. A telephonic interview of this application with the Examiner is kindly requested prior to further examination.

ABSTRACT

The Abstract stands objected to because it is a copy of the original PCT application Abstract and includes a drawing and additional, extensive, details. Applicant has amended the Abstract to address this objection.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Shub et al. (U.S. Pat. No. 6,807,530) in view of O'Leary et al. (U.S. Pat. No. 6,609,113). Applicant has amended Claims 1, 5 and 7 and has added new claim 10 to clarify the present invention. Applicant respectfully submits that the combination of the Shub et al. and O'Leary references does not yield the present invention, especially as presently clarified.

The Examiner has correctly stated (at page 2 of the current Office Action) that the prior art teaches the generation of a customer number that gets presented during a

transaction and is subsequently reconciled to complete the transaction. However, that arrangement is different from that of the present invention, for the following reasons. In the Shub reference, maintaining anonymity relies on either the use of protocols among the various parties to the transaction which allegedly guarantee privacy, or the use of encryption of the transaction information (col. 2, lines 3-29). As such, there remains traceability of customer and purchased product identity through either the breaking of protocols or the decryption of data. On the other hand, true anonymity in internet transactions is maintained in the present invention through the combination of using cash for payment with the assignment of randomly-generated serial numbers corresponding to the cash amount. Such a combination truly guarantees anonymity because there are no protocols present that can be broken, nor is there encryption that can be broken. Applicant submits that the combination of cash payment with randomly-generated assigned serial numbers corresponding to same has not been shown in the prior art for internet purchases.

Applicant believes that neither the Shub nor O'Leary references (nor the combination of these references) teaches or suggests the use of unique, random serial numbers that do not have any traceability back to the customer. The fact that Shub discloses cash transfers appears only to provide an alternate way to pay for goods/services, but is not intended to purposefully maintain customer anonymity in that way. Applicant maintains that the use of encryption or encoding in the Shub reference in an attempt to maintain anonymity does not accomplish true anonymity (unlike the present invention) because encryption and encoding can both be broken, and neither

method provides a true "disconnect" between the customer and the currency like the uniquely and randomly-generated serial numbers of the present invention.

The lack of maintaining true anonymity in the Shub reference is further evidenced in the section of that reference cited by the Examiner in the current Office Action. The Examiner has cited col. 4, lines 16-19 and col. 4, lines 25-29 of Shub for the principle that anonymity of the customer over the internet is protected because the customer paid cash for the transaction. However, this same section of Shub states that "In all cases, the customer 101 gives the payment agency 102 some receiving address 111 where the goods he/she buys will be delivered. . ." (col. 4, lines 17-19), in a cash transaction that is supposed to be anonymous. Further, Shub provides alternate forms of preserving anonymity of the customer, such as use of a third party delivery agent (col. 4, line 22) or a public telephone or letter (col. 4, line 31), because the transaction itself is not truly anonymous. In each of these cases, some kind of connective records must be provided that identify the customer, either by encryption or by third party agent record transfer, which can always be broken, traced or otherwise reconnected. For these reasons, the Shub reference cannot properly prevent patentability of the combination as presently claimed.

In addition, upon further review of the history of the present application and the history of the cited O'Leary patent, Applicant wishes to draw the Examiner's attention to the following. The present application, through the previous PCT application, claims priority back to U.S. Provisional Patent Application Nos. 60/134,342, filed May 14, 1999 and 60/159,665, filed October 15, 1999. Applicant submits that the contents of the subject matter as now claimed, are fully disclosed in these two provisional applications,

with the subject matter of relating the customer's age to the serial number(s), computer-readable form for the serial number(s) and the use of credit as a form of payment being added in Applicant's second provisional application at pages 3-4.

The cited O'Leary patent also claims priority to a chain of U.S. Provisional Patent Applications, with only the first application (Serial No. 60/132,305, filed May 3, 1999) having a filing date earlier than Applicant's earliest Provisional filing date of May 14, 1999. Only one other O'Leary provisional application (No. 60/150,725, filed Aug. 25, 1999) has a filing date earlier than Applicant's second provisional application filing date of Oct. 15, 1999.

Upon reviewing the disclosures of these first two O'Leary provisional applications, Applicant believes that neither application discloses the features of the O'Leary patent that are being used as a basis for rejection of the present application, especially as clarified through this Amendment. Specifically, each of the two earliest O'Leary provisional applications appear to deal only with the insertion of the customer's bank as an intermediary for a customer's online transactions so that the customer does not have to perform online transactions directly with strangers. Accordingly, the feature of the O'Leary patent cited by the Examiner in the first Office Action for this application as the basis for rejection (namely, the ability of an IPA account user to specify whether or not the credits it "pushes" from the IPA includes any identification information at all, such that the credit pushes can allegedly be made anonymously, disclosed at col. 14, lines 50-59 of the O'Leary patent) does not appear to have been part of either of the two original O'Leary provisional applications. For this reason, it is submitted that Applicant's

disclosure of this subject matter on a priority chain basis actually occurred prior to the O'Leary disclosure relied upon as the basis for rejection.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly addressed. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. Should the Examiner have any questions about this submission, or wish to discuss the application, the present Amendment or the cited references further, the Examiner is invited to telephone the undersigned attorney directly at (248) 641-1239.

Respectfully submitted,

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